IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT
THE HON'BLE MRS JUSTICE T.MEENA KUMARI
&
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 189 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 06/08/2004 in WP NO : 9562 OF 2004 on the file of the High Court.)

Between:
V. Ramakrishna Rao, S/o. Late Ramarao, Visakhapatnam Steel Plant Employees Consumers Cooperative Stores Ltd. Visakhapatnam - 530 032, residing at D.No. 55-10-1, MMTC Colony, Seethammadhara, Visakhapatnam-22.

..... APPELLANT

AND

1 Visakhapatnam Steel Plant Employees Consumers Cooperative Stores Ltd., Regd No. B-1890, Represented by its President, Office at Russain School Building, Sector-I, Sector, Ukkunagaram, Visakhapatnam - 530 032.
2 Visakhapatnam Steel Plant Employees Consumers Cooperative Stores Ltd., Regd No. B-1890, Represented by its Enquiry Officer & Vice-President, Mr. A. Viswanatham, father's Name not known, Office at Russain ScBuilding, Sector-I, Sector, Ukkunagaram, Visakhapatnam - 530 032.
3 Government of Andhra Pradesh, Department of Cooperation, Represented by The Joint Registrar & District Cooperative Officer, 5th floor, Vuda Building, Siripuram, Visakhapatnam - 530 003.
4 Government of Andhra Pradesh, Department of Cooperation, Represented by The District Collector (Coo), Visakhapatnam District, Visakhapatnam.
5 Government of Andhra Pradesh, Department of Cooperation, Represented by The Registrar & Commissioner, Gruhakalpa Buildings, Hyderabad.

RESPONDENTS

Counsel for the Appellant: MR.A.SRINIVASA SARMA

Counsel for the Respondents 1 to 5: GP FOR COOPERATION

The Court made the following:

This writ appeal is filed by the writ petitioner aggrieved by the order of the learned single Judge in dismissing the writ petition at the stage of admission.

The writ petitioner is stated to be the employee of the 1st respondent-society, against whom an order was passed on 4.5.2004 removing him from the employment as its Business Manager.

The grievance of the writ petitioner is that no proper enquiry was conducted and therefore, the impugned order passed by the 1st respondent-society, is illegal and unsustainable.

The learned single Judge after considering the rival contentions

elaborately found that the writ petition is not maintainable and the writ petitioner has got an effective alternative remedy, and, therefore, he can pursue the said remedy in a proper forum. Aggrieved by that, the writ petitioner has come up with the present writ appeal.

The learned counsel for the writ petitioner contended that the 1st respondent-society did not follow the Rules as contemplated under the A.P.Cooperative Societies Act governing the conduct and disciplinary proceedings. In the absence of following any rules that have been framed as contemplated under the provisions of the A.P. Cooperative Societies Act and the Rules made thereunder, the impugned action is illegal and unsustainable.

The learned counsel has also advanced his contentions even with reference to the violation of the principles of natural justice while conducting the enquiry by the Enquiry Officer.

The learned counsel for the 1st respondent-society, on the other hand, supported the order of the learned single Judge.

The learned counsel contended that on an earlier round of litigation in W.P.No:2723 of 2003 filed questioning the show cause notice, this Court held that the 1st respondent-society is not a State or the instrumentality of the State and therefore, the writ petition is not maintainable, and accordingly dismissed the writ petition. In the light of the above earlier order, which has become final, the present writ petition was rightly dismissed by the learned single Judge.

The learned counsel also contended that the writ petitioner has got an effective alternative remedy either to approach the authorities under the A.P. Shops and Establishment Act or approach a Civil Court seeking to quash the proceedings, and, therefore, this writ petition is liable to be dismissed.

Heard the learned counsel for both the parties and considered the material on record.

Admittedly, this Court on an earlier round of litigation held that the writ petition against the 1st respondent-society, is not maintainable. In view of the said order of this Court, which has become final between the parties, the present writ petition filed against the 1st respondent-society, was rightly dismissed by the learned single Judge. Therefore, We do not find any infirmity in the order of the learned single Judge warranting interference by this Court. However, it is open to the writ petitioner to avail the alternative remedy before any other chosen forum by the petitioner himself.

Accordingly, this writ appeal is dismissed.

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Justice T.Meena Kumari

Date:15th February, 2005

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Justice S.Ananda Reddy.

Gurc.

Copies to the

1 The Joint Registrar & District Cooperative Officer, 5th floor, Vuda Building, Siripuram, Government of Andhra Pradesh, Department of Cooperation Visakhapatnam - 530 003.

2. The District Collector (Coo), Government of Andhra Pradesh, Department of Cooperation Visakhapatnam District, Visakhapatnam.
3 The Registrar & Commissioner, Gruhakalpa Buildings, Government of Andhra Pradesh, Department of Cooperation Hyderabad.
4.Two C.Cs. to the G.P. for Cooperation High Court buildings, High Court of A.P. Hyderabad.

5.Two C.D. copies.

HONOURABLE SMT. JUSTICE T.MEENAKUMARI
&
HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT APPEAL No:189 of 2005

(Common judgment delivered by Sri Justice S.Ananda Reddy)

15th February, 20

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